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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,138	06/02/2005	Alphons Antonius Bruekers	NL 021290	1180

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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HAUCK, JESSE A

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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03/02/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,138	<b>Applicant(s)</b> BRUEKERS ET AL.	
	<b>Examiner</b> Jesse Hauck	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Objections***

3. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-6, 8, & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (JP 09-259570) in view of Matos (US 6,549,503).

**Regarding claim 1**, Hayashi discloses an information carrier (Fig. 1, item 2) intended to be put into a rotary motion (paragraph 8), said information carrier comprising:

- display means (Fig. 2, item 4) for displaying image data (paragraphs 8-10),

**but does not disclose:** “- motion-compensation means (103) applied to said image data for motion-compensating said rotary motion.

**However**, Matos discloses an information carrier (Fig. 1, item 2, disc) intended to be put into a rotary motion, and further teaches a method of motion-compensation (col. 10, lines 1-37) which is applied to said image data for motion-compensating said rotary motion (Fig. 3, item 11).

It would have been obvious to one with ordinary skill in the art at the time of applicant's invention to have followed the teachings of Matos and included a means of motion compensation in order to ensure that the image data could be view when in motion.

**Regarding claim 2**, Hayashi in view of Matos discloses the information carrier as claimed in claim 1 above. Hayashi further discloses that the information carrier comprises a memory device (Fig. 2, item 12) for storing said image data (paragraphs 8-10).

**Regarding claim 3**, Hayashi in view of Matos discloses the information carrier as claimed in claim 2 above, **but does not disclose**: “comprising contactless means (204) for receiving said image data from an information carrier player apparatus (202)”.

**However**, it would have been obvious to one with ordinary skill in the art at the time of applicant's invention to have modified the connector (Hayashi, Fig. 1, item 9) such that information could be passed from an information carrier player apparatus to the information carrier without direct physical contact. It is well known in the art to modify image data displays such that they are capable of displaying data without a direct physical connection to a player apparatus. One reason for doing so would be to reduce the weight and increase the mobility of the display (Hayashi, paragraph 16).

**Regarding claim 4**, Hayashi in view of Matos discloses the information carrier as claimed in claim 3 above. Matos further discloses wherein the information carrier (Fig. 1, item 2) comprises calculation means (Fig. 8, items 78a & 78b) for calculating the angular position of the information carrier, or wherein said angular position is received by said contactless means from said information carrier player apparatus (col. 12, lines 2-40).

**Regarding claims 5/1, 5/2, 5/3, & 5/4**, Hayashi in view of Matos discloses the information carrier as claimed in claims 1, 2, 3, and 4 above. Hayashi further discloses wherein display means (Fig. 1, item 7) correspond to a pixel matrix arranged in a rectangular pattern (paragraphs 9-11 & 14).

**Regarding claims 6/1, 6/2, 6/3, & 6/4**, Hayashi in view of Matos discloses the information carrier as claimed in claim 1, 2, 3, & 4 above, **but does not disclose**: “wherein display means (102) correspond to a pixel matrix arranged in a circular pattern”.

**However**, it would have been within the bounds of routine experimentation to one with ordinary skill in the art at the time of applicant’s invention to have experimented with different display device configurations in order to display the desired image in the most effective way.

**Regarding claim 8**, Hayashi in view of Matos discloses an information carrier as claimed in claim 1, as well as a player apparatus for playing an information carrier (Matos, Fig. 8, item 70; col. 11, lines 22-42), **but does not disclose**: “said player apparatus comprising contactless means (203) for sending image data to an information carrier”.

**However**, it would have been obvious to one with ordinary skill in the art at the time of applicant’s invention to have included contactless means for sending image data to an information carrier in an information carrier player when complementary contactless means are included in an information carrier (reason for including contactless data transmission means have been stated in the rejection to claim 3 above).

**Regarding claim 9**, Hayashi in view of Matos discloses a player apparatus as claimed in claim 8 above. Matos further discloses calculation means for calculating the angular position of said information carrier (col. 11, line 22 to col. 13, line 17). **But does not teach:** “said angular position being sent to said information carrier by said contactless means (203)”.

**However**, since data is sent to an information carrier by one type of connection means (Hayashi, paragraph 9) it would have been obvious to one with ordinary skill in the art at the time of applicant's invention to have sent the angular position of the information carrier through contactless connection means.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lebby et al. (US 6,115,618) discloses a portable electronic device wherein the display is connected to the base portion of the device through the use of a contactless connection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Hauck whose telephone number is (571) 270-7126. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jesse Hauck/

Examiner, Art Unit 2627

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627